

JMM:JJD  
F.#2008R01241

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

09 1076M

-----X TO BE FILED UNDER SEAL

UNITED STATES OF AMERICA

COMPLAINT AND AFFIDAVIT IN  
SUPPORT OF AN ARREST WARRANT

- against -

(T. 18, U.S.C., §§ 924(c),  
2113(d) and 2)

ALFRED SMITH,

Defendant.

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EASTERN DISTRICT OF NEW YORK, SS:

ROBERT SCHMITT, being duly sworn, deposes and says that he is a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF"), duly appointed according to law and acting as such.

Upon information and belief, there is probable cause to believe that, on or about September 8, 2006, within the Eastern District of New York, the defendant ALFRED SMITH, together with others, did knowingly and intentionally take by force, violence and intimidation, from the person and presence of another, money belonging to and in the care, custody, control, management and possession of a bank or other financial institution, to wit: the Washington Mutual Bank at 17 West Merrick Avenue in Freeport, New York (the "Washington Mutual"), the deposits of which are insured by the Federal Deposit Insurance Corporation, and, in so doing,

put in danger the life of a person by the use of a dangerous weapon.

(Title 18, United State Code, Sections 2113(d) and 2)

Upon information and belief, there is probable cause to believe that, on or about September 8, 2006, within the Eastern District of New York, the defendant ALFRED SMITH, together with others, did knowingly and intentionally use and carry a firearm during and in relation to a crime of violence, to wit, a violation of 18 U.S.C. § 2113(d).

(Title 18, United State Code, Sections 924(c) and 2)

The basis of my information and the grounds for my belief are as follows:<sup>1</sup>

1. I have been a Special Agent with the ATF for approximately 17 years. I base this affidavit on my training and experience and information that I have gathered from my discussions with law enforcement officers, including detectives of the Robbery Squad of the Nassau County Police Department ("NCPD"), and my review of documents connected with the investigation, including reports prepared by NCPD officers and detectives and victim interview reports.

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<sup>1</sup> Because the purpose of this affidavit is to state only probable cause to arrest, I have not described all relevant facts and circumstances of which I am aware. In addition, when I rely on statements made by others, such statements are in substance and in part unless otherwise indicated.

2. On September 8, 2006, at approximately 1:05 p.m., the Washington Mutual was robbed by three individuals, two men and a woman (collectively, the "robbers"). Witnesses to the robbery informed law enforcement that the three robbers entered the Washington Mutual wearing hooded sweatshirts, latex gloves and dark colored masks across the lower part of their faces. Upon entering the store, one of the male robbers ("Robber-1") displayed a semi-automatic handgun and announced the robbery. Robber-1 also yelled "hundreds and fifties, no dye packs, no fives!"

3. The other male robber ("Robber-2") and the female robber ("Robber-3") jumped over the tellers' counter and demanded that the tellers open the cash drawers. After Robber-2 and Robber-3 removed the cash from the cash drawers, Robber-2 and Robber-3 jumped back over the counter and all three robbers fled from the Washington Mutual with the money.

4. Witnesses observed the robbers enter a black Chrysler Cirrus with New York license plate number M84-1NN (the "Cirrus"), which was parked behind the Washington Mutual, and which was driven by another co-conspirator ("Robber-4"). While the Cirrus was still in the parking lot, dye packs hidden in the stolen currency exploded and the robbers threw a bag that contained a portion of the proceeds from the robbery from the Cirrus, before driving away. Shortly thereafter, the Cirrus was

3, Robber-4 and Robber-5).<sup>2</sup> During those post-arrest interviews, several of the defendant's co-conspirators not only admitted to their own involvement with the armed robbery of the Washington Mutual, in addition to other robberies, but identified the defendant as Robber-2, who, among other things, jumped the tellers' counter, emptied the drawers of cash and fled the bank.

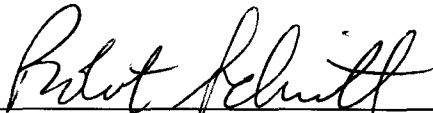
9. The information provided by the defendant ALFRED SMITH's co-conspirators has been corroborated by a number of other sources, including without limitation witnesses from the Washington Mutual, the bank surveillance video and physical evidence recovered from the crime scenes.

WHEREFORE, your deponent respectfully requests that an arrest warrant be issued for the defendant ALFRED SMITH so that he may be dealt with according to law.


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<sup>2</sup> Several of the defendant's co-conspirators have pled guilty to robbery and weapons charges, pursuant to cooperation agreements with the government, and are hoping to receive reduced sentences as a result of that cooperation.

Further, your deponent respectfully requests that this affidavit and the arrest warrant be filed under seal pending further order of the Court.

  
SPECIAL AGENT ROBERT SCHMITT  
Bureau of Alcohol, Tobacco,  
Firearms and Explosives

Sworn to before me this  
2d day of November 2009

  
UNITED STATES MAGISTRATE JUDGE  
EASTERN DISTRICT OF NEW YORK